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UNITED STATES DEPARTMENT OF AGRICULTURE JUN -8 PM 3:25

BEFORE THE SECRETARY OF AGRICULTURE RECEIVED

In re:

LEONARD G. MOOS, an individual,  
d/b/a APPLE CREEK KENNEL,

Respondent.

AWA No. 07-0111

**CONSENT DECISION**

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159) (the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. §§ 1.1-3.142) (the "Regulations"). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent Leonard G. Moos, an individual, d/b/a Apple Creek Kennel, admits the jurisdictional allegations in the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding, to the entry of this decision.

The complainant agrees to the entry of this decision.

### FINDINGS OF FACT

1. Respondent Leonard G. Moos is an individual whose mailing address is 1500 112<sup>th</sup> Street NE., Bismarck, North Dakota, 58501.
2. Respondent Leonard G. Moos does business as Apple Creek Kennel, believed to be an unincorporated association or partnership with the mailing address 1500 112<sup>th</sup> Street NE., Bismarck, North Dakota, 58501.
3. Respondent Leonard G. Moos d/b/a Apple Creek Kennel ("Respondent"), at all material times mentioned herein, was operating as a dealer as defined in the Act and the Regulations.

### CONCLUSION

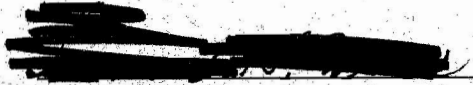
Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.


### ORDER

1. Respondent's AWA license, license number 45-A-0005, issued to "LEONARD G. MOOS DBA: APPLE CREEK KENNEL", is hereby revoked and Respondent is hereby disqualified from obtaining an AWA license.
2. Respondent, his agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the Regulations issued thereunder, and in particular, shall cease and desist from engaging in any activity regulated under the Act and/or Regulations.
3. Respondent Leonard G. Moos, an individual, d/b/a Apple Creek Kennel, is assessed a civil penalty in the amount of \$30,750.00, which shall be held in abeyance, provided Respondent does not engage in any activity regulated under the Act and/or Regulations.

4. The provisions of this order shall become effective on the first day after service of this decision on the Respondents.


5. Copies of this decision shall be served upon the parties.

 6/4/07  
Leonard G. Moos  
RESPONDENT

  
Babak A. Rastgoufard  
Office of the General Counsel  
United States Department of Agriculture  
ATTORNEY FOR COMPLAINANT

Done at Washington, D.C.

this <sup>th</sup> 8 day of June, 2007

  
Administrative Law Judge